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Mark A. Hixon

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Mark A. Hixon

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:] Group Art Unit: 2872
Dirk Joedicke, Hans-Joachim Becker,]
Volker Gumprich and Richard Batchelor]
Serial No. 09/914,082] Examiner:
Filed: March 11, 2002]
For: Electrochromic Element] Attorney Docket: 1-15478

February 19, 2003

Box DD
Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Honorable Sir:

Pursuant to Section 1.97 of Title 37 of the Code of Federal Regulations, supplemental to Information Disclosure Statements filed on January 8, 2003, and prior to issuance of a First Office Action, record is hereby made of additional published prior art which the United States Patent and Trademark Office may wish to consider during examination of the above-entitled application, which was filed under 35 USC 371. No

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representation is made or intended that a prior art search was conducted, or that no better
art than that listed is available.

<u>U.S. Patent No.</u>	<u>Date of Issuance</u>	<u>Inventor(s)</u>
4,958,917	September 25, 1990	Hashimoto et al.
5,216,536	June 1, 1993	Agrawal et al.
5,244,557	September 14, 1993	Defendini et al.

<u>Foreign Country/Patent No.</u>	<u>Date of Publication</u>	<u>Applicant</u>
Japan JP 56-85735 A	July 13, 1981	Suwa Seikosha K.K.
European EP 0 477 065 B1	March 13, 1996	Saint-Gobain Vitrage International

Other Prior Art

Patent Abstracts of Japan, vol. 5, No. 154 (P-82), September 29, 1981 & JP 56-85735 A
(Suwa Seikosha K.K.), July 13, 1981.

The above-referenced documents were cited during prosecution of the German priority application corresponding to the subject U.S. application. Copies of these documents are enclosed, along with IDS Form PTO/SB/08A and 08B, noting that European 0 477 065 B1 corresponds to U.S. 5,244,557.

With regard to document EP 0 477 065 B1, please consider the following statement of relevance:

Reference EP 0 477 065 B1 may be seen in relation to claims 7 to 10 of the instant application, in particular with regard to claim 7. On page 6, lines 31 to 33 of EP 0 477 065 B1, merely the materials butyl caoutchouc, polyurethane and polysulphides are disclosed for the sealing elements of Figure 4. No further materials are disclosed. Claims 7 to 10 are novel over EP 0 477 065 B1. Although in Figure 4 of EP 0 477 065 B1 an electrochromic element having a two-part sealing element made of the above materials is disclosed, nevertheless the teaching of reference EP 0 477 065 B1 is very much distinct from the teaching of the instant application. According to EP 0 477 065 B1, only a part (espaceur supplémentaire 9) of the sealing element is arranged between the substrates for holding the electrochromic arrangement therebetween. The second part of the sealing element (espaceur provisoire 8) is separated from the first part of the sealing element by an airgap and is arranged in its entirety outwardly of the substrates. Therefore the disclosure of EP 0 477 065 B1 would not be considered as relevant by a person skilled in the art with regard to the diverse subject matter of the instant application.

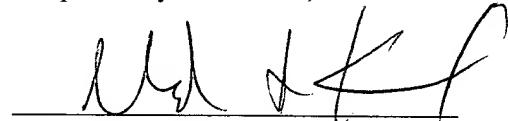
With regard to document JP 56-85735 A (and English Abstract), please consider the following statement of relevance:

Reference JP 56-85735 A and Abstract may be seen in relation to claims 8 to 10 of the instant application. Reference JP 56-85735 A (and Abstract) discloses an

electrochromic display having a double sealing, said double sealing is arranged immediately adjacent to an electrochromic arrangement and is comprised of a formable silicone sealing strap, which is under compression, and an outer epoxy resin adhesive. The electrochromic arrangement is most probably realized by fluids. Consequently the concept of JP 56-85735 A and Abstract is very much diverse from the teaching of the instant invention and would not be considered as relevant by a person skilled in the art.

It is requested that these references be fully considered and made of record in this case.

Respectfully submitted,



Mark A. Hixon
Registration No. 44,766

ATTORNEYS

Marshall & Melhorn, LLC
Four SeaGate - 8th Floor
Toledo, Ohio 43604

Phone: (419) 249-7149
Fax: (419) 249-7151



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 065

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	09/914,082
				Filing Date	March 11, 2002
				First Named Inventor	Dirk Joedicke et al.
				Art Unit	2872
				Examiner Name	
(use as many sheets as necessary)		Sheet 1 of 2		Attorney Docket Number 1-15478	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,958,917	09-25-1990	Hashimoto et al	
		US- 5,216,536	06-01-1993	Agrawal et al	
		US- 5,244,557	09-14-1993	Defendini et al	corresponds to EP0477065
		US-			

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
		JP 56-85735 A	07-13-1981	Suwa Seikosha K.K.	English abstract attached
		EP 0 477 065 B1	03-13-1996	Saint Gobain Vitrage Intl	corresp. to US5244557

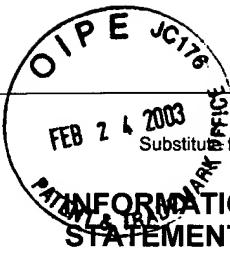
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¹ Applicant's unique citation designation number (optional). ²See Kinds Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 2 Attorney Docket Number 1-15478

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